



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/749,635	12/28/2000	Sharad C. Tripathi	PW 0275012 P10425	6021

27496 7590 05/04/2004

PILLSBURY WINTHROP LLP
725 S. FIGUEROA STREET
SUITE 2800
LOS ANGELES, CA 90017

EXAMINER

PHAN, TAM T

ART UNIT	PAPER NUMBER
----------	--------------

2144

DATE MAILED: 05/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/749,635

Applicant(s)

TRIPATHI, SHARAD C.

Examiner

Tam (Jenny) Phan

Art Unit

2144

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 November 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This application has been examined. Pre-amendment A received on 04/20/2001 has been entered. Claims 1-30 are presented for examination.

Priority

2. No priority claims have been made.

3. The effective filing date for the subject matter defined in the pending claims in this application is 12/28/2000.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-19 and 22-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over L'Heureux et al. (U.S. Patent Number 6,697,942) hereinafter referred to as L'Heureux in view of Flores et al. (U.S. Patent Number 6,567,937), hereinafter referred to as Flores.

6. Regarding claim 1, L'Heureux disclosed a method for managing at least one server using remote intelligent mail messages (Title), the method comprising: receiving, by a mail agent, an electronic mail message, requesting a service relevant to the at least one server (column 13 lines 4-15, column 3 lines 32-48); deciphering the electronic mail message to understand the nature of the service requested (Figure 3 sign 312, column 3 lines 32-48, column 13 lines 20-27); determining whether the user has a privilege to obtain the service (column 3 lines 52-57, column

Art Unit: 2144

12 lines 48-55); and performing the service, by the mail agent, if the user has the privilege, to produce a service outcome (column 8 lines 54-66, column 13 lines 56-65).

7. L'Heureux taught the invention substantially as claimed. However, L'Heureux did not expressly teach a method for managing at least one server using remote intelligent mail messages wherein the electronic mail message is sent by a user and the service request is by the user.

8. L'Heureux suggested exploration of art and/or provided a reason to modify the method with the user control feature (column 2 lines 25-30, lines 37-43).

9. In an analogous art, Flores disclosed a method for managing at least host computer [one server] using remote intelligent mail messages wherein the electronic mail message is sent by a user and the service request is by the user (Abstract, column 2 lines 22-35, column 4 lines 25-43, column 5 lines 1-8).

10. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the method of L'Heureux with the teachings of Flores in order to allow users to selectively initiate one of a plurality of possible software fault recovery actions (Flores, column 2 lines 31-35) since this enable users to monitor mission critical applications 24-hour a day without incurring the cost of having a dedicated attendant (Flores, column 4 lines 62-67).

11. Regarding claim 2, L'Heureux disclosed a method wherein the mail agent runs on one of the at least one server (Figures 1-2, column 3 lines 29-31).

12. Regarding claim 3, L'Heureux disclosed a method wherein the electronic mail message includes an encrypted electronic mail message (Figure 3 sign 322, column 12 lines 56-64).

Art Unit: 2144

13. Regarding claim 4, L'Heureux and Flores disclosed a method wherein the user belongs to at least one category of a set of categories (L'Heureux, column 13 lines 4-27; Flores, column 58-67, column 5 lines 1-8).

14. Regarding claim 5, L'Heureux and Flores disclosed a method wherein the at least one category includes a category of server administrators having a complete information access privilege (L'Heureux, column 13 lines 4-27; Flores, column 58-67, column 5 lines 1-8).

15. Regarding claim 6, L'Heureux and Flores disclosed a method wherein the at least one category includes a category of users having an access privilege to view information only (L'Heureux, column 13 lines 4-27; Flores, column 58-67, column 5 lines 1-8).

16. Regarding claim 7, Flores disclosed a method wherein the user sends the electronic mail message from a client (column 2 lines 22-35, column 4 lines 58-67, column 5 lines 1-8).

17. Regarding claim 8, Flores disclosed a method wherein the client includes one of a remote computer, a cellular phone, and a wireless handheld device (column 2 lines 22-26, column 3 lines 11-37).

18. Regarding claim 9, L'Heureux disclosed a method wherein the deciphering comprises parsing the electronic mail message (Figure 3 sign 312, column 3 lines 32-37).

19. Regarding claim 10, L'Heureux disclosed a method further comprising decrypting the electronic mail message, if the electronic mail message is sent encrypted (Figure 3 sign 322, column 3 lines 32-40).

20. Regarding claim 11, L'Heureux disclosed a method wherein the determining comprises: examining the security credentials of the electronic mail message; authenticating the user; verifying the access privilege of the user based on an access control list stored in the server; and

Art Unit: 2144

deciding whether the user has the privilege for the service based on results from the examining, the authenticating, and the verifying (column 12 lines 48-64, column 13 lines 4-15).

21. Regarding claim 12, Flores disclosed a method wherein the service includes inquiring as to health information of the at least one server (column 3 lines 38-50).

22. Regarding claim 13, L'Heureux and Flores disclosed a method wherein the health information includes memory usage (L'Heureux, column 6 lines 53-65; Flores, column 3 lines 38-50, column 4 lines 45-57).

23. Regarding claim 14, Flores disclosed a method wherein the performing comprises: contacting at least one server to which the service pertains; obtaining the health information from each server that is contacted by the contacting; and generating the service outcome by composing a health information report based on the health information obtained by the obtaining (Abstract, column 1 lines 47-63, column 3 lines 38-50).

24. Regarding claim 15, L'Heureux disclosed a method wherein the service includes taking at least one action on the at least one server (column 2 lines 22-35).

25. Regarding claim 16, Flores disclosed a method wherein the action includes a reboot (Figure 4, column 3 lines 25-36).

26. Regarding claim 17, L'Heureux disclosed a method wherein the performing comprises: connecting to at least one server to which the service pertains; executing the at least one action on the at least one server; determining the effect of the at least one action on the at least one server; and generating the service outcome based on the effect, determined by the determining (column 3 lines 32-42, column 4 lines 53-60, column 5 lines 13-19, column 8 lines 47-53, lines 61-67).

Art Unit: 2144

27. Regarding claim 18, L'Heureux disclosed a method further comprising generating a return electronic mail message based on the service outcome and sending the return electronic mail message to the user as a reply to the requesting a service (column 8 lines 47-53, lines 61-67).

28. Regarding claim 19, L'Heureux disclosed a method further comprising encrypting the return electronic mail message prior to the sending (column 12 lines 48-64).

29. Regarding claims 22-24, the system corresponds to the method of claims 1-2 and 8, and thus these claims are rejected using the same rationale.

30. Regarding claims 25-26, the mail agent corresponds to the method of claims 1 and 10, and thus these claims are rejected using the same rationale.

31. Regarding claims 27-28, the system corresponds to the method of claims 1 and 9, and thus these claims are rejected using the same rationale.

32. Since all the limitations of the claimed invention were disclosed by the combination of L'Heureux and Flores, claims 1-19 and 22-28 are rejected.

33. Claims 20-21 and 29-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walukiewicz (U.S. Patent Number 6,510,454) in view of Frantz (U.S. Patent Number 6,003,070).

34. Regarding claim 20, Walukiewicz disclosed a method for managing at least one server using remote intelligent mail messages, the method comprising: obtaining, from at least one server health monitoring system, health information about at least one server (Title, Abstract, column 2 lines 21-34, column 16-28); generating a first electronic mail message using the health

information; sending, by a mail agent, the first electronic mail message to a user (column 2 lines 36-48, column 3 lines 56-66).

35. Walukiewicz taught the invention substantially as claimed. However, Walukiewicz did not expressly teach a method wherein receiving a second electronic mail message, sent by the user, requesting a service relevant to the at least one server; deciphering the second electronic mail message to understand the nature of the service requested by the user; determining whether the user has a privilege to obtain the service; and performing the service, by the mail agent, if the user has the privilege for the service.

36. Walukiewicz suggested exploration of art and/or provided a reason to modify the method of Walukiewicz with the email service request feature (column 4 lines 42-44, column 5 lines 19-26).

37. Frantz disclosed a method wherein receiving, by the mail agent, a second electronic mail message, sent by the user, requesting a service relevant to the at least one server (column 4 lines 43-51, column 7 lines 49-55, column 8 lines 49-52); deciphering the second electronic mail message to understand the nature of the service requested by the user (column 4 lines 43-51, column 8 lines 49-52); determining whether the user has a privilege to obtain the service (column 3 lines 39-50, column 8 line 41); and performing the service, by the mail agent, if the user has the privilege for the service (column 3 lines 39-50, column 4 lines 43-51).

38. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the method of Walukiewicz with the teachings of Frantz to include the service request email feature in order to allow server administrators remote query and

Art Unit: 2144

maintenance of the server equipment (Franz, column 3 lines 10-20) since administrators would not always be available onsite to monitor and diagnose problems (Franz, column 1 lines 25-29).

39. Regarding claim 20, Walukiewicz and Frantz disclosed a method wherein the first electronic mail message is generated by the mail agent (Walukiewicz, Figure 3, sign 305, column 3 lines 6-14; Frantz, Figure 1, column 4 lines 32-42, lines 56-67).

40. Regarding claims 29 and 30, the system corresponds directly to the method of claim 20 and 21, and thus these claims are rejected using the same rationale.

41. Since all the limitations of the claimed invention were disclosed by the combination of Walukiewicz and Frantz, claims 20-21 and 29-30 are rejected.

Conclusion

42. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Worley et al. (U.S. Patent Number 6,651,190) disclosed a remote maintenance device for monitoring and controlling a host computer and its operating system. The remote maintenance device uses a wireless modem or wireless IP interface to provide commands from a remote technician to the remote maintenance device. The wireless communication link also transfers data to a remote technician who can then diagnose problems. The host computer may be reset and the power toggled on and off without affecting the maintenance-device's operation because of an onboard battery. Host system monitoring includes connecting to and capturing the temperature sensing, fan speeds, voltage sensors, serial port I/O for low-level text and IP access to the BIOS, operating

system and boot logs, keyboard/video capture and control, LAN access for testing local connectivity, secondary "back door" IP access, and other peripherals.

b. Keyes et al. (U.S. Patent Number 6,516,427) disclosed a remotely located diagnostic device, which includes code for diagnosis of causes of peripheral device malfunctions, is connected to communicate via the network. The peripheral device includes a memory for storing a diagnostic application that is adapted to execute one or more diagnostic subroutines for diagnosing a cause of a device malfunction. The peripheral device is enabled to dispatch an event message to the remote diagnostic device and to receive a response message from the remote diagnostic device. The response message causes a diagnostic application to execute a subroutine on the peripheral device in an attempt to determine the cause of the event. In the case where the remote diagnostic device is adapted to download an executable diagnostic subroutine, the peripheral device executes the diagnostic subroutine.

c. Nishida et al. (U.S. Patent Number 6343311) disclosed a method involves receiving an e-mail sent from the mobile terminal at a server. Contained in the e-mail is agent specific information, for specifying a mobile agent to be generated and executed by the server. The mobile agent is generated based on pre-prepared agent generation templates stored on the server; these are updated by keywords contained in the e-mail. For example a user sends an email from their portable data terminal (PDA) to the master controller requesting retrieval of some information stored on a slave server (e.g. home; palmtop; network; computer; etc.). The generated mobile agent is modified to include

specification of the slave server to be remote controlled and what processing is to be done according to the information in the email.

43. Refer to the enclosed PTO-892 for details and complete listing of other pertinent prior art of record.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tam (Jenny) Phan whose telephone number is (703) 305-4665. The examiner can normally be reached on M-F 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Cuchlinski can be reached on (703) 308-3873. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

William Cuchlinski
SPE
Art Unit 2144
703-308-3873

tp
April 28, 2004


WILLIAM A. CUCHLINSKI, JR.
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100